THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :7107 of 2007

DATED:09-04-2007

BETWEEN:

B.Ramanjaneyulu & 5 others.

..... PETITIONER

AND

The State of A.P.,
Rep., by its Principal Secretary,
Revenue (Excise-II) Department,
Secretariat Buildings,
Secretariat,
Hyderabad & 3 others.

.....RESPONDENTS

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ORDER:

Heard the learned counsel for the petitioners as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the action of the respondents in collecting the rentals for the period from 01-07-2006 to the end of August, 2006, during which period no licence was granted in favour of the petitioners and no business was conducted by the petitioners and the department itself conducted the business and earned profits, as illegal and arbitrary.

3. It is the case of the petitioners that pursuant to the auction conducted on 18-08-2006 petitioners became successful bidders in respect of the shops mentioned at Gazette S.Nos.44, 45, 46, 47, 48, 49, and 50 respectively of Yemmiganur municipality, Kurnool District and licences were granted on 31-08-2006 ending with 30-06-2008. It is stated that the said shops have been auctioned for a period of two years, i.e., for the excise years, 2006-2007, 2007-2008 which commences from 01-07-2006 but as the said shops were not disposed of pursuant to the first auction notification, dated 27-05-2006, they were notified for auction again on 10-08-2006 and accordingly petitioners became the highest bidders and therefore, there was no occasion to grant licence for

the period from
01-07-2006 to 31-08-2006. It is further stated that the department has conducted the sales during that period and therefore the petitioners are not liable to pay any amount for the said period.

4. I am not inclined to express any opinion with regard to the said contention but it is stated that the petitioners made representations, dated 30-12-2006, before the Commissioner, Prohibition and Excise, Hyderabad, by registered post with acknowledgment due, and the same are pending.

5. Accordingly, the Writ Petition is disposed of directing the Commissioner, Prohibition & Excise, Hyderabad, to consider and dispose of the said representations of the petitioners in accordance with law within four weeks from the date of receipt of a copy of this order. No order as to costs.

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V.ESWARAIAH, J

09th April, 2007

Note:

Furnish C.C. of the order
within three days.

B/o
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